

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
No. 1:23-cv-00020-WR-WCM

CLARA M. MANN,

Plaintiff,

v.

TRAILS CAROLINA, LLC,

Defendant.

**RESPONSE IN OPPOSITION TO TRAILS
CAROLINA, LLC'S
MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. Rule 15(a)(1)(b) and within twenty-one (21) days after Defendant's service of its motion under Rule 12(b), [Doc. No. 10], Plaintiff filed her first Amended Complaint as a matter of right. [Doc. No. 12.] It is well-settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir.2001) (amended pleading renders original pleading of no effect); Colin v. Marconi Commerce Sys. Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C.2004) (defendants' earlier motion for summary judgment as to one count of first amended complaint rendered moot by filing of plaintiff's second amended complaint). Thus, Plaintiff's filing of her amended complaint renders Defendant's pending motion to dismiss moot.

Respectfully submitted:

s/Shawn C. Blake

Shawn C. Blake, Esq. (N.C. Bar #35819)

Jenkins M. Mann, Esq. (*pro hac pending*)

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